

REMARKS

Claims 1-3, 5-7, 9-11, and 14-17 are pending in this application. Claims 1, 5, and 9 are independent. In light of the amendments and remarks made herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1, 5, and 9 under 35 U.S.C. § 112, second paragraph. The Examiner further rejected claims 1-3, 5-7, 9-11, and 15-17 under 35 U.S.C. § 103(a) as being unpatentable over *Kawaoka* (JP 9-149352) in view of *Funazaki* (USP 5,561,531) in view of Japanese Electronic Industry Development Association Standard (JEIDAS), "Digital Still Camera Image File Format Standard"; and rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over *Kawaoka* in view of *Funazaki*, JEIDAS, and further in view of *Fukushima* (USP 6,253,023). Applicant respectfully traverses these rejections.

**Claim Rejections - 35 U.S.C. § 112**

With regard to the Examiner's rejection of claims 1, 5, and 9 under 35 U.S.C. § 112, second paragraph, the Examiner asserts that there is insufficient antecedent basis for "the digital camera" for example in line 11, claim 1. By this Amendment, Applicant has amended claims 1, 5, and 9 to correct the antecedent error. Based upon this amendment, it is respectfully requested that the outstanding rejection be withdrawn.

**Claim Rejections - 35 U.S.C. § 103**

In support of the Examiner's rejection of claim 1, the Examiner admits that *Kawaoka* does not teach or suggest converting the image signal into EXIF format and stored as such. The Examiner further asserts that in combining the teachings of JEIDAS, it would have been obvious to one of ordinary skill in the art to have utilized the EXIF standard format as disclosed by JEIDAS in order to enable compression according to a standard format and association with the attribute data recorded on the magnetic record layer 34B of *Kawaoka*. Applicant respectfully disagrees with the Examiner's assertions.

In considering the Examiner's motivation argument, the Examiner asserts that it would have been obvious to have utilized the EXIF standard format in order to enable compression according to a standard format and association with attribute data. This argument appears to amount to a form of a design choice argument where the Examiner is asserting that the EXIF standard format **could** be selected. However, Applicant submits that this statement is insufficient in order to establish proper motivation to combine the references.

The disclosure in *Kawaoka* at col. 6, lines 25-34 recites as follows:

The film processing apparatus of the invention is able to print the frame image on the film, and file the image data in the record medium such as a

floppy disk, an optical disk, and a memory card. When the image data is filed in the record medium, for example, the image data of 24 MB is compressed to be 2 MB with a fixed format in the software, and the compressed image data is filed in the record medium. The slide show may be performed during the waiting time for filing.

Kawaoka discloses that the film processing apparatus can file the image data in the record medium such as a floppy disk, an optical disk, and a memory card. At the time the invention was made, there was a plurality of standard formats that the film processing apparatus of Kawaoka could store the image data in. The Examiner provides no further motivation as to why one of ordinary skill in the art would specifically select the EXIF standard format. It appears that the only motivation to store the image data in EXIF format would appear to come from Applicant's own disclosure, which would amount to impermissible hindsight.

Applicant clearly discloses that it is beneficial to convert and store the image data in EXIF format in order to allow consumers owning a photographic camera using film access to services that are provided exclusively for digital cameras. As such, Applicant submits that the Examiner's purported assertion that converting the data to EXIF standard format is design choice is improper.

Finally, none of the references as cited by the Examiner provide any motivation that would motivate one of ordinary skill in the art to convert the file format to EXIF standard format. As the Examiner has failed to provide proper motivation to combine the

references, and further as there is no motivation to combine the references as asserted by the Examiner, it is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that as the Examiner relies on these statements in rejection of the other independent claims 5 and 9, claims 5 and 9 are allowable over the art as cited by the Examiner for the reasons set forth above with regard to claim 1.

#### Conclusion

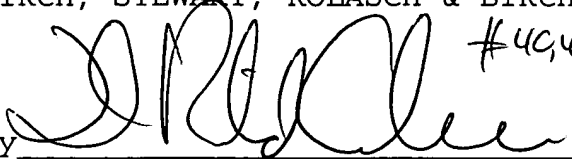
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


Applicant respectfully petitions for a one (1) month extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). A check in the amount of \$110.00 in payment of the extension of time fee is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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